

AFFIDAVIT OF SERVICE

Index #: 2:08-cv-03469-TCP-MLO

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK

Date Purchased: _____

COUNTY

Date Filed: _____

Court Date: _____

ATTORNEY(S): John Han Esq. : COVINGTON & BURLING LLP PH: 212-841-1000

ADDRESS: 620 EIGHTH AVENUE NEW YORK NY 10018 File No.:

SIEW V. THONG, YUE F. XIA, QIAO F. CHEN,

vs.

Plaintiff(s)/Petitioner(s)

LOVELY NAILS NY, INC. d/b/a "Lovely Nails", et al.,

Defendant(s)/Respondent(s)

STATE OF NEW YORK, COUNTY OF NASSAU

SS.:

MICHAEL BALLATO

, being duly sworn deposes and says: Deponent is not a party herein, is over 18 years

of age and resides in New York State. On September 11, 2009 at 5:30 PMat 36-20 BOWNE STREET APT 5F FLUSHING, NY 11354, deponent served the within**Supplemental Summons In A Civil Action of Second Amended Complaint, Addendum 1, and Second Amended Complaint**with Index Number 2:08-cv-03469-TCP-MLO, and Date Purchased _____ endorsed thereon,on: QIXING LI a/k/a "John Li" a/k/a "John Lee", **Defendant** therein named.

#1 INDIVIDUAL

☐

By delivering a true copy of each to said recipient personally; deponent knew the person served to be the person described as said person therein.

#2 CORPORATION

☐

By delivering to and leaving with _____ and that deponent knew the person so served to be Managing Agent of the corporation, and authorized to accept service on behalf of the corporation.

Service was made in the following manner after your deponent was unable, with due diligence, to serve the witness/defendant in person, and an attempt to locate the defendant's place of employment.

#3 SUITABLE AGE PERSON

☐

By delivering a true copy of each to _____ a person of suitable age and discretion. Said premises is recipient's [] actual place of business [] dwelling house (usual place of abode) within the state.

#4 AFFIXING TO DOOR

☒

By affixing a true copy of each to the door of said premises, which is recipient's: [] actual place of business [X] dwelling house (place of abode) within the state.

#5 MAIL COPY

☒On September 15, 2009, deponent completed service under the last two sections by depositing a copy of the Above Documents to the above address in a 1st Class postpaid properly addressed envelope marked "Personal and Confidential" in an official depository under the exclusive care and custody of the United States Post Office in the State of New York. Certified Mail No. _____

Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, having called

thereat on the	<u>1</u>	day of	<u>September, 2009</u>	at	<u>8:11 PM</u>
on the	<u>2</u>	day of	<u>September, 2009</u>	at	<u>7:58 AM</u>
on the	<u>9</u>	day of	<u>September, 2009</u>	at	<u>5:06 PM</u>
on the	<u>11</u>	day of	<u>September, 2009</u>	at	<u>5:30 PM</u>

#6 NON-SRVC

☐

After due search, careful inquiry and diligent attempts, I have been unable to effect process upon the person/entity being served because of the following: [] Unknown at Address [] Evading [] Moved left no forwarding [] Address does not exist [] Other: _____

#7 DESCRIPTION

☐

A description of the Defendant, or other person served, or spoken to on behalf of the Defendant is as follows:

Sex _____	Color of skin _____	Color of hair _____	Age _____	Height _____
(use with #1, 2 or 3) Weight _____ Other Features: _____				

#8 WIT. FEES

☐

the authorized witness fee and / or traveling expenses were paid (tendered) to the recipient.

#9 MILITARYSRVC

☐

Deponent asked person spoken to whether the defendant was presently in military service of the United States Government or of the State of New York and was informed that defendant was not.

#10 OTHER

☒

SERVED DOCUMENTS AS LAST KNOWN ADDRESS PER ATTORNEY'S RECORDS AND POSTAL SEARCH DATED SEPTEMBER 2009.

Sworn to before me on this 15 day of September, 2009

BARBARA A. SHURGIN

STEVEN M SHURGIN

STEPHANIE GALLIGAN

MICHAEL BALLATO

NOTARY PUBLIC, State of New York
No. 30-5004737, Qualified in Nassau County
Commission Expires November 23, 2010NOTARY PUBLIC, State of New York
No. 01SH6190498, Qualified in Nassau County
Commission Expires July 28, 2012NOTARY PUBLIC, State of New York
No. 01GA6190672, Qualified in Nassau County
Commission Expires July 28, 2012Server's Lic # 0976185
Work Order # 0943204

AO 440 (Rev. 02/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Eastern District of New York

SIEW V. THONG, YUE F. XIA, QIAO F. CHEN

Plaintiff

v.

(see Addendum 1)

Defendant

Civil Action No. 2:08-cv-03469-TCP-MLO

**SUPPLEMENTAL
SUMMONS IN A CIVIL ACTION
OF SECOND AMENDED COMPLAINT**

To: (*Defendant's name and address*) 1. Ying Ai Che, 14953 Ash Avenue Fl 1, Flushing, NY 11355-1029.
2. Qixing Li a/k/a "John Li" a/k/a "John Lee" 36-20 Bowne Street Apt. 5F Flushing,
NY 11354.

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

John Han, Covington & Burling LLP, 620 Eighth Avenue, New York, NY 10018;
Natasha Korgaonkar, Covington & Burling LLP, 620 Eighth Avenue, New York,
NY 10018; David Colodny, Urban Justice Center, 123 William Street 16th Floor
New York, NY, 10038; Carmela Huang, Urban Justice Center, 123 William Street
16th Floor New York, NY, 10038.

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

ROBERT C. HEINEMAN
CLERK OF COURT

Ben Han
Signature of Clerk or Deputy Clerk

Date:

4/19/27 2009

AO 440 (Rev. 02/09) Summons in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

ADDENDUM 1

LOVELY NAILS NY, INC. d/b/a “Lovely Nails”, NEW ALWAYS NAILS CORP. d/b/a “Always is Nails”, MAJOONGMOOL CORP. d/b/a “Always is Nails”, J H DIVA NAIL & SPA INC. d/b/a “Diva Nails”, VIVA NAILS & SPA, INC. d/b/a “Diva Nails”, QIXING LI a/k/a “John Lee”, GUINING CUI a/k/a “Susan Lee”, YING AI CHE.

WO # 0943204

CAPITAL PROCESS SERVERS, INC.

Member of the National Association of Professional Process Servers

265 POST AVENUE, STE 200, WESTBURY, NEW YORK 11590
150

TEL. (516) 333-6380; FAX (516) 333-6382

TO POSTMASTER:
FLUSHING NY 11354

PM PHONE# 718-461-6872

Request for Change of Address or Boxholder Information Needed for Service of Legal Process

Date: September 8, 2009

Invoice • Work Order # 0943204

Please furnish the new address or the name and street address (if a boxholder) for the following:

NAME: QIXING LI a/k/a "John Li" a/k/a "John Lee"

ADDRESS: 36-20 BOWNE STREET APT 5F FLUSHING, NY 11354

Note: The name and last known address are required for change of address information.

The name, if known, and post office box address are required for boxholder information.

The following information is provided in accordance with 39 CFR 265.6(D)(6)(II). There is no fee for providing boxholder information. The fee for providing change of address information is waived in accordance with 39 CFR 265.6(d)(1) and (2) and corresponding Administrative Support Manual 352.44a and b.

Statute or regulation that empowers me to serve process: NYS. CPLR. R.2103.(a)

The names of all known parties to the litigation are: SIEW V. THONG, YUE F. XIA, QIAO LOVELY NAILS NY, INC. d/b/a
Plaintiff/Petitioner Defendant/Respondent

The court in which the case has been or will be heard: United States District The Index # if one has been issued: 2:08-cv-03469-

Capacity of person or persons that is to be served, that we request this information on: Defendant

WARNING

THE SUBMISSION OF FALSE INFORMATION EITHER (1) TO OBTAIN AND USE CHANGE OF ADDRESS INFORMATION OR BOXHOLDER INFORMATION FOR ANY PURPOSE OTHER THAN THE SERVICE OF LEGAL PROCESS IN CONNECTION WITH ACTUAL OR PROSPECTIVE LITIGATION OR (2) TO AVOID PAYMENT OF THE FEE FOR CHANGE OF ADDRESS INFORMATION COULD RESULT IN CRIMINAL PENALTIES INCLUDING A FINE UP TO \$10,000 OR IMPRISONMENT OF NOT MORE THAN 5 YEARS, OR BOTH (TITLE 18 U.S.C. SECTION 1001)

I certify that the above information is true and that the address information is needed and will be used solely for service of legal process in connection with actual or prospective litigation.

Signed Steve Shurgin Date: September 8, 2009

Serving in the Capacity of a Process Server

For Post Office Use Only

☒ No change of address order on file.

☐ Not known at address given.

☐ Moved, left no forwarding address.

☐ No such address

New Address or Boxholder's Name and Street Address
and directions to new residence:

Postmark